

REMARKS

This paper is responsive to the Non-Final Office issued on December 7, 2009. Claim 1 is amended. Claims 3-4 and 15-19 are cancelled. New claims 20-21 are presented. Applicant respectfully requests reconsideration of this application.

Amended Claim 1 recites that the step of moving occurs after the step of releasing. This feature is neither anticipated nor made obvious by *Saier, et al.* (U.S. Patent No. 4,179,911). *Saier, et al.* teaches a rolling tool 7 that is utilized to form Y and T shaped fins on tubes used in heat exchangers. See Figure 4 and column 1, lines 5-12. The rolling tool 7 of *Saier, et al.* is not released from the tube 1 prior to moving the tube to a second position relative to the rolling tool 7. In fact, the Examiner admits as much at page 3 of the Office Action.

In addition, amended claim 1 is not obvious over *Saier, et al.* in view of *Beck* (U.S. Patent No. 3,887,004). The Examiner argues that *Beck* discloses a finned tube having fins spaced longitudinally. The Examiner contends it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify *Saier, et al.* by releasing the tube from the mold and moving and then molding again to provide better flow control. Applicant respectfully disagrees.

First, the *Beck* reference is unrelated to tube forming. Instead, *Beck* teaches a heat exchanger having a plurality of heat exchanger fins that allegedly provide improved heat exchanger performance. (See Abstract.) That is, *Beck* is directed to the formulation of fins, and not to forming tubes with indentations. The obviousness rejection is deficient for at least this reason.

Moreover, *Beck* does not cure the deficiency of *Saier, et al.* in that neither reference discloses that the moving step occurs after the step of releasing the mold from the tube. As stated above, the disclosure of *Beck* relates to fin design and is not concerned with forming a tube. Therefore, *Beck* is silent as to moving a heat exchanger tube to a second position relative to the mold after the tube is released from the mold. The combination of *Saier, et al.* and *Beck* fails to teach each feature of Applicant's claim. Accordingly, claims 1-14 are not obvious.

New claims 20-21 are directed to a method of forming a tube. None of the references cited

by the Examiner either anticipate or make obvious the claimed methods. Accordingly, claims 20-21 are also allowable.

Applicant submits that **all** claims are now in condition for allowance,

Respectfully submitted,

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Dated: March 2, 2010

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